

# Worksession

<b>Agenda Item #</b>	8
<b>Meeting Date</b>	April 16, 2007
<b>Prepared By</b>	Venita-Enola George Management Assistant
<b>Approved By</b>	Barbara B. Matthews City Manager

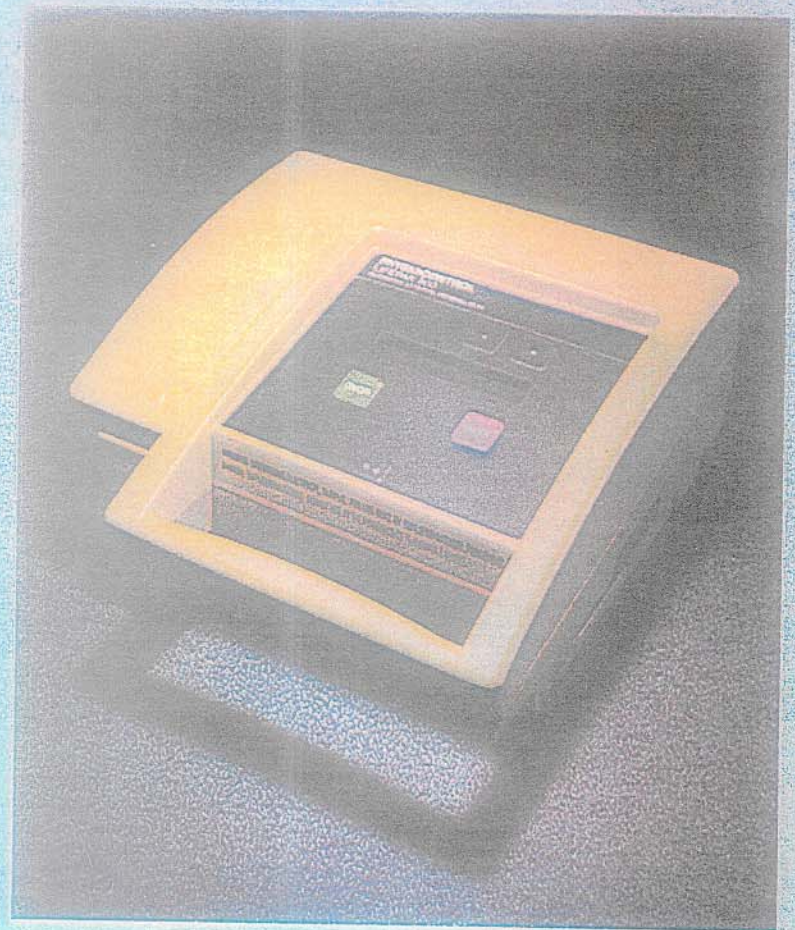
<b>Discussion Item</b>	Update on Purchase and Deployment of Automated External Defibrillators in City facilities
<b>Background</b>	<p>The FY07 budget includes \$9,000 for the purchase of Automated External Defibrillators (AED). During the budget process, questions arose regarding staff training requirements and potential liability, if any, for the City. Research efforts were subsequently undertaken by members of the Public Safety Citizens Advisory Committee and City staff.</p> <p>The State of Maryland has enacted a law that permits municipalities and other organizations to maintain AEDs for use on persons suffering a cardiac arrest on the organization's property. The City Attorney's Office and the Local Government Insurance Trust (LGIT) have provided information pertaining to the governing laws, as well as the requirements pertaining to the use of AED units in the municipal buildings by City staff. Please review Attachments A-E for more details.</p> <p>Before participating in the program, the City must obtain authorization from the State's Emergency Medical Services (EMS) Board. To become and remain an authorized facility, the City must register with the EMS Board, receive medical direction through a sponsoring physician or the Region Council AED Committee, comply with all Emergency Medical Services Board protocols, maintain records of AED maintenance and testing, and properly train individuals to become authorized AED users.</p> <p>The American Red Cross serves as a distributor for AEDs and offers training sessions and advice to potential AED authorized facilities. City staff and representatives of the American Red Cross have inspected the City's facilities to determine the appropriate locations for AED units. It has been recommended to install three AED units in the Community Center (one on each floor), one unit in main office of the Public Works Department, and one in the New Hampshire Avenue Recreation Center.</p> <p>Attachment F provides information relative to the proposed plan for training City staff, fees associated with the authorization for each AED unit, and the purchase of each AED unit.</p>

<b>Policy</b>	The Council has an interest in providing appropriate safety measures in municipal facilities for City employees, customers, and visitors.
<b>Fiscal Impact</b>	<p>The FY07 budget includes \$9,000 for the purchase of Automated External Defibrillators. Based on staff's recommendation, the City would incur the following costs:</p> <ul style="list-style-type: none"> <li>• \$9,500 for the purchase of five Automated External Defibrillators</li> <li>• \$625 for Authorization/Medical Direction for one year for each unit</li> <li>• \$5,616 for staff training</li> </ul> <p>Funding for the authorization/medical direction is available in non-departmental contracts. The cost of staff training will be charged to the non-departmental training account.</p>
<b>Attachments</b>	<p>Attachment A: Picture of an Automated External Defibrillator unit that is similar to the devices that staff is recommending</p> <p>Attachment B: Memorandum from City Attorney's Office regarding the City's implementation of a defibrillator program</p> <p>Attachment C: Copy of enabling legislation that permits municipalities and other organizations to maintain AEDs for use on persons suffering cardiac arrest on the organizations property (<u>Md. Code Ann.</u>, Educ. Art., § 13-517)</p> <p>Attachment D: Copy of Maryland Good Samaritan Act</p> <p>Attachment E: Risk Management Bulletin from the Local Government Insurance Trust regarding Automated External Defibrillators</p> <p>Attachment F: Automated External Defibrillator Fact Sheet</p> <p>Attachment G: Timeline for installation of Automated External Defibrillators in City facilities</p>
<b>Recommendation</b>	With the Council's concurrence, staff will proceed with the purchase of five Automated External Defibrillators and train selected staff to become authorized operators of the devices.
<b>Special Consideration</b>	



# What is an AED?

- Device that looks for shock-able heart rhythms
- Only delivers a shock if needed
- Small, portable, size of laptop computer
- Safe, automatic, and easy to use





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**S I L B E R &**

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# MEMO

**P E R L M A N**

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**To:** Venita George  
**Cc:** Wayne Hobbs, Asst. City Manager  
**From:** Kenneth Sigman, Asst. City Attorney  
**Subject:** Legal requirements and implications for the implementation of a defibrillator program.  
**Date:** November 16, 2006

## LEGAL AND CONFIDENTIAL

### **Question Presented**

The City has requested legal advice regarding the City's implementation of a defibrillator program that would enable City employees to provide emergency defibrillation to victims of cardiac arrest in and around City buildings.

### **Discussion**

#### Background

An automated external defibrillator (AED) is a heart rate monitor and defibrillator that automatically determines whether defibrillation is necessary.<sup>1</sup> The use of an AED before the arrival of emergency medical personnel greatly increases a person's chance of surviving a cardiac arrest. The State of Maryland has enacted a law that permits municipalities and other organizations to maintain AEDs for use on persons suffering a cardiac arrest on the organization's property. See Md. Code Ann., Educ. Art., § 13-517. The law establishes a program known as the Automated External Defibrillator Program (Program).

#### Legal Requirements

Before participating in the Program, the City must obtain authorization from the State's Emergency Medical Services Board (EMS). To become and remain an authorized facility, the City must register with EMS, receive medical direction through a sponsoring physician or the Regional Council AED Committee, comply with all EMS protocols, maintain records of AED maintenance and

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<sup>1</sup>The AED will not operate unless the heart monitor detects cardiac arrest.

testing, and properly train individuals to become authorized AED users. The City must pay a fee to obtain an authorization certificate, and to renew the certificate every three years.

### Legal Implications

Once the City becomes an authorized facility, the law protects it from liability for injuries arising out of the provision of defibrillation services in accordance with the law. See § 13-517(n)(1). The City's sponsoring physician is also immune from liability for the City's provision of defibrillation services. § 13-517(n)(2). Individuals who are authorized AED users<sup>2</sup> are immune from liability for injuries arising out of the provision of defibrillation services as long as the user reasonably believes that the recipient is suffering a cardiac arrest, the user provides the service in a reasonably prudent manner, and the user does not receive compensation for the service. § 13-517(n)(3). However, the aforementioned immunities are not applicable if the City's conduct amounts to "gross negligence, willful or wanton misconduct, or intentionally tortuous conduct." §13-517(n)(4). For example, the immunities do not apply when the City intentionally harms someone or purposefully ignores obvious warnings that harm is likely to occur as a result of its action. The immunities provided under the AED Program are in addition to immunities and defenses that may be available under statutory and common law, such as public official immunity and good Samaritan immunity.

As of November 2003, the Local Government Insurance Trust provided coverage for the provision of defibrillation services by City employees and volunteers supervised by the City.

### **Conclusion**

Given the broad immunity granted under the AED Program, and the fact that the AEDs are designed to prevent unnecessary application, concerns over liability should not deter the City from becoming a participant. A copy of Md. Code Ann., Educ. Art., 13-517 is attached. Please contact me if you have additional questions.

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<sup>2</sup> Only persons who have successfully completed a training course and periodic refresher courses should be authorized to operate AED devices for the City. There is no age limitation for authorized AED operators..

MD Code, Education, § 13-517

**C**

WEST'S ANNOTATED CODE OF MARYLAND

EDUCATION

DIVISION III. HIGHER EDUCATION [TITLES 10-20]

TITLE 13. UNIVERSITY OF MARYLAND--GENERAL PROVISIONS

SUBTITLE 5--EMERGENCY MEDICAL SERVICES

**➡§ 13-517. Automated external defibrillator program**

(a)(1) In this section the following words have the meanings indicated.

(2) "Authorized facility" means an organization, business, association, or agency that meets the requirements of the EMS Board for providing automated external defibrillation.

(3) "Automated external defibrillator (AED)" means a medical heart monitor and defibrillator device that:

- (i) Is cleared for market by the federal Food and Drug Administration;
- (ii) Recognizes the presence or absence of ventricular fibrillation or rapid ventricular tachycardia;
- (iii) Determines, without intervention by an operator, whether defibrillation should be performed;
- (iv) On determining that defibrillation should be performed, automatically charges; and
- (v) 1. Requires operator intervention to deliver the electrical impulse; or  
2. Automatically continues with delivery of electrical impulse.

(4) "Certificate" means a certificate issued by the EMS Board to an authorized facility.

(5) "Facility" means an agency, association, corporation, firm, partnership, or other entity.

(6) "Jurisdictional emergency medical services operational program" means the institution, agency, corporation, or other entity that has been approved by the EMS Board to provide oversight of emergency medical services for each of the local government and State and federal emergency medical services programs.

(7) "Regional administrator" means the individual employed by the Institute as regional administrator in each EMS region.

(8) "Regional council" means an EMS advisory body as created by the Code of Maryland Regulations 30.05.

(9) "Regional council AED committee" means a committee appointed by the regional council consisting of:

- (i) The regional medical director;

MD Code, Education, § 13-517

- (ii) The regional administrator; and
  - (iii) Three or more individuals with knowledge of and expertise in AEDs.
- (10) "Sponsoring physician" means a physician who:
- (i) Is licensed to practice medicine under Title 14 of the Health Occupations Article;
  - (ii) Provides medical oversight to an authorized facility; and
  - (iii) Meets qualifications established by the EMS Board.
- (b)(1) There is an Automated External Defibrillator Program.
- (2) The purpose of the Program is to provide a means of authorizing a facility to make automated external defibrillation available to an individual who is a victim of sudden cardiac arrest if physician services or emergency medical services are not immediately available.
- (3) The Program shall be administered by the EMS Board.
- (c) The EMS Board may:
- (1) Adopt regulations for the administration of the Program;
  - (2) Set reasonable fees for the issuance and renewal of certificates and other services it provides under the Program provided that the fees set produce funds to approximate the cost of maintaining the certification program and the other services provided under the Program;
  - (3) Issue and renew certificates to facilities that meet the requirements of this section;
  - (4) Deny, suspend, revoke, or refuse to renew the certificate of an authorized facility for failure to meet the requirements of this section;
  - (5) Approve educational and training programs required under this section that:
    - (i) Are conducted by any private or public entity;
    - (ii) Include training in cardiopulmonary resuscitation; and
    - (iii) May include courses from nationally recognized entities such as the American Heart Association, the American Red Cross, and the National Safety Council;
  - (6) Approve protocols for the use of an automated external defibrillator;
  - (7) Require each authorized facility on reasonable notice to produce for inspection:
    - (i) Maintenance records;

MD Code, Education, § 13-517

- (ii) Training records; and
  - (iii) Equipment; and
- (8) Delegate to the Institute any portion of its authority under this section.
- (d)(1) The EMS Board shall pay all fees collected under the provisions of this section to the Comptroller of the Treasury.
  - (2) The Comptroller of the Treasury shall distribute the fees to the Maryland Emergency Medical System Operations Fund established under § 13-955 of the Transportation Article.
- (e)(1) Each facility that desires to make automated external defibrillation available shall possess a valid certificate from the EMS Board.
  - (2) This subsection does not apply to:
    - (i) A jurisdictional emergency medical services operational program;
    - (ii) A licensed commercial ambulance service; or
    - (iii) A health care facility as defined in § 19-114 of the Health--General Article.
- (f) To qualify for a certificate a facility shall:
  - (1) Have medical direction through:
    - (i) A sponsoring physician; or
    - (ii) The regional council AED committee;
  - (2) Be registered with the closest jurisdictional emergency medical services operational program;
  - (3) Comply with written protocols approved by the EMS Board for the use of an automated external defibrillator which include:
    - (i) Notification of the emergency medical services system through the use of the 911 universal emergency access number as soon as possible on the use of an automated external defibrillator; and
    - (ii) Subsequent reporting of the use of an automated external defibrillator to the closest jurisdictional emergency medical services operational program;
  - (4) Have established automated external defibrillator maintenance, placement, operation, reporting, and quality improvement procedures as required by the EMS Board;
  - (5) Ensure that:
    - (i) Each automated external defibrillator is maintained, operated, and tested according to manufacturers' guidelines;



MD Code, Education, § 13-517

and

(ii) Written records of the maintenance and testing of each automated external defibrillator are maintained as required by the EMS Board; and

(6) Ensure that each individual who operates an automated external defibrillator for the authorized facility has successfully completed an educational training course and refresher training as required by the EMS Board.

(g) A facility that desires to establish or renew a certificate shall:

(1) Submit an application on the form that the EMS Board requires;

(2) Pay to the EMS Board the application or renewal fee set by the EMS Board; and

(3) Meet the requirements under this section.

(h)(1) The EMS Board shall issue a new or a renewed certificate to a facility that meets the requirements of this section.

(2) Each certificate shall include:

(i) The type of certificate;

(ii) The full name and address of the facility;

(iii) A unique identification number; and

(iv) The dates of issuance and expiration of the certificate.

(i) A certificate is valid for 3 years.

(j) An individual who is authorized to operate an automated external defibrillator at an authorized facility may administer automated external defibrillation to an individual who is reasonably believed to be a victim of sudden cardiac arrest if physician services or emergency medical services are not immediately available.

(k) An individual who is authorized to operate an automated external defibrillator at an authorized facility shall follow the protocols established by the EMS Board.

(l) The EMS Board may issue a cease and desist order or obtain injunctive relief:

(1) If a facility makes automated external defibrillation available in violation of this section; or

(2) If an individual provides automated external defibrillation in violation of this section.

(m)(1) In addition to any other immunities available under statutory or common law, an authorized facility is not civilly liable for any act or omission in the provision of automated external defibrillation if the authorized facility:

(i) Has satisfied the requirements for making automated external defibrillation available under this section; and

MD Code, Education, § 13-517

(ii) Possesses a valid certificate at the time of the act or omission.

(2) In addition to any other immunities available under statutory or common law, the sponsoring physician of an authorized facility is not civilly liable for any act or omission in the provision of automated external defibrillation.

(3) In addition to any other immunities available under statutory or common law, an individual is not civilly liable for any act or omission if:

(i) The individual is acting in good faith while rendering automated external defibrillation to a person who is a victim or reasonably believed by the individual to be a victim of a sudden cardiac arrest;

(ii) The assistance or aid is provided in a reasonably prudent manner;

(iii) The automated external defibrillation is provided without fee or other compensation; and

(iv) 1. The act or omission occurs while the individual is providing automated external defibrillation in accordance with the requirements of this section at an authorized facility;

2. The individual has successfully completed an AED training course and is authorized to provide automated external defibrillation; or

3. The individual is using an automated external defibrillator obtained by a prescription issued by a physician.

(4) The immunities in this subsection are not available if the conduct of the authorized facility amounts to gross negligence, willful or wanton misconduct, or intentionally tortious conduct.

(5) This subsection does not affect, and may not be construed as affecting, any immunities from civil or criminal liability or defenses established by any other provision of the Code or by common law to which an authorized facility or an individual may be entitled.

(n)(1) An authorized facility aggrieved by a decision of the Institute acting under the delegated authority of the EMS Board under this section shall be afforded an opportunity for a hearing before the EMS Board.

(2) An authorized facility aggrieved by a decision of the EMS Board under this section shall be afforded an opportunity for a hearing in accordance with Title 10, Subtitle 2 of the State Government Article.

Current through end of 2006 Regular Session and 2006 First Special Session.

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END OF DOCUMENT

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**Maryland Good Samaritan Act****Attachment D****Maryland Law 5-309; Courts and Judicial Proceedings § 5-309**

- a. A person described in subsection "b" of this section is not civilly liable for any act or omission in giving any assistance or medical care, if:
  - 1. The act or omission is not one of gross negligence;
  - 2. The assistance or medical care is provided without fee or other compensation; and
  - 3. The assistance or medical care is provided:
    - i. At the scene of an emergency;
    - ii. In transit to a medical facility; or
    - iii. Through communications with personnel providing emergency assistance.
- b. Subsection "a" of this section applies to the following:
  - 1. An individual who is licensed by this State to provide medical care;
  - 2. A member of any State, county, municipal, or volunteer fire department, ambulance and rescue squad or law enforcement agency or of the National Ski Patrol System, or a corporate fire department responding to a call outside of its corporate premises, if the member:
    - i. Has completed an American Red Cross course in advanced first aid and has a current card showing that status;
    - ii. Has completed an equivalent of an American Red Cross course in advanced first aid, as determined by the Secretary of Health and Mental Hygiene; or
    - iii. Is certified by this State as an emergency medical technician or cardiac rescue technician;
  - 3. A volunteer fire department, ambulance and rescue squad whose members have immunity;
  - 4. A corporation when its fire department personnel are immune under paragraph 2 of this subsection.
- c. An individual who is not covered otherwise by this section is not civilly liable for any act or omission in providing assistance or medical aid to a victim at the scene of an emergency, if:
  - 1. The assistance or aid is provided in a reasonably prudent manner;
  - 2. The assistance or aid is provided without fee or other compensation; and
  - 3. The individual relinquishes care of the victim when someone who is licensed or certified by this State to provide medical care or services becomes available

## Attachment E



7172 Columbia Gateway Drive  
Suite E  
Columbia, MD 21046  
410-312-0880 800-673-8231  
Fax: 410-312-0993

To: Venita George

Of: Takoma Park

Fax: 301-270-0194

From: Ellen Nudd

Date: April 11, 2007

Pages: 3

**RE: Risk Management Bulletin –  
Automated External Defibrillator (AED)**

**Message:**

Per our phone conversation, attached you will find a copy of the Risk Management Bulletin dealing with Automated External Defibrillators. This bulletin outlines items for consideration, as the City prepares to purchase and implement AED program in its facilities.

Should you have additional questions related to this matter, don't hesitate to call me at 410-312-0880.

Sincerely,

Ellen P. Nudd  
Underwriter

Enclosure

**Local Government Insurance Trust****Risk Management Bulletin No. 84**

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LGIT's Risk Management Department would like you to consider the following questions before you decide to buy an AED:

***Training***

Who is going to conduct training and when will it be held?  
Who will be trained?

***Medical Director***

Who is your Medical Director?

***Policy and Procedures***

What do your policies and procedures manual include?  
Is the manual reviewed annually or after an incident occurs?

Please contact Lisa Myers, MIEMSS Office of Program Development 410-706-4740 to obtain an AED Program packet of requirements that are necessary to have an AED in your facility.

*The above suggestions may not eliminate all liability risk, but should help in reducing and managing your entities exposures. These suggestions are made from a Risk Management perspective. Final language of any agreements should be reviewed by your entity's counsel.*

*This bulletin is intended to be merely informational and is not intended to be used as the basis for any compliance with federal, state or local laws, regulations or rules, nor is it intended to substitute for the advice of legal counsel.*



**Automated External Defibrillator Fact Sheet**

1. An Automated External Defibrillator (AED) is a heart rate monitor that automatically determines whether defibrillation is necessary.
2. The AED will not operate unless the heart monitor detects cardiac arrest.
3. The use of an AED before the arrival of emergency medical personnel increases a person's chance of surviving a cardiac arrest.
4. The State of Maryland has enacted a law (Md. Code Ann., Educ. Art., § 13-517) that permits municipalities and other organizations to maintain AEDs for use on persons suffering a cardiac arrest on the organization's property.
5. The law establishes a program known as the Automated External Defibrillator Program.
6. To become and remain an authorized facility, the City must:
  - Register with Emergency Medical Service;
  - Receive medical direction through a sponsoring physician familiar with the AEDs and the all associate laws and requirements;
  - Comply with all EMS protocols, maintain records of AED maintenance and testing; and,
  - Properly train individual to become authorized AED users.
7. Once the City becomes an authorized facility, the law protects it from liability for injuries arising out of the provision of defibrillations services in accordance with the law.
8. The City's sponsoring a physician and individuals who are authorized AED users are also immune from liability for the City's provision of defibrillation services.
9. In the cases of injuries arising out of the provision of defibrillation services, the authorized AED user is immune from liability, as long as:
  - The user reasonably believes that the recipient is suffering a cardiac arrest;
  - The user provides the services in a prudent manner; and,
  - The user does not receive compensation for the service.
10. However the City is not protected if the individuals who are authorized AED users' conduct amounts to gross negligence, willful misconduct, or intentionally tortuous conduct. For example, the aforementioned immunities are not applicable if the City (AED operator) intentionally harms someone or purposefully ignores obvious warnings that harm is likely to occur as a result of its actions.
11. The immunities provided under the AED Program are in addition to immunities and defenses that may be available under statutory and common law, such as public official immunity and good Samaritan immunity.

### Automated External Defibrillator Installation Schedule

Date	Task	Status
April 30, 2007	Submit Health Force Partner Application to State Medical Advisor for authorization	Pending Council approval
May 5, 2007	Estimate date for Authorization from State Medical Advisor	Same As Above (SAA)
May 7, 2007	Order five (5) Automated External Defibrillators and cabinets	SAA
Tuesday, June 5, 2007 9:00 a.m. - 3:00 p.m.	City Staff AED/CPR Training Session Heffner Recreation Center	SAA
Wednesday, June 20, 2007 9:00 a.m. - 3:00 p.m.	City Staff AED/CPR Training Session Community Center Azalea Room	SAA
Saturday, July 14, 2007 10:00 a.m. - 4:00 p.m.	City Staff AED/CPR Training Session Community Center Azalea Room	SAA
Saturday, Aug. 11, 2007 10:00 a.m. - 4:00 p.m.	City Staff AED/CPR Training Session Community Center Azalea Room	SAA
Wednesday, Aug. 22, 2007 9:00 a.m. - 3:00 p.m.	City Staff AED/CPR Training Session Community Center Azalea Room	SAA
Saturday, Sept. 29, 2007 10:00 a.m. - 4:00 p.m.	City Staff AED/CPR Training Session Community Center Azalea Room	SAA
Week of October 1, 2007	Installation of the five (5) Automated External Defibrillators and cabinets	SAA and Department of Public Works work schedule